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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RANDALL J. SLOAN, an individual,
Plaintiff,

vs.

PFIZER, INC., a Delaware corporation; and
DOES 1 through 40, inclusive,

Defendants.

Case No. CV-08-1849 SBA

**[PROPOSED] ORDER GRANTING
DEFENDANT PFIZER, INC.'S MOTION
TO TRANSFER VENUE
[28 U.S.C. § 1404(a)]**

Date: July 29, 2008

Time: 1:00 p.m.

Ctrm.: 3, 3rd Floor

DJ: Hon. Sandra B. Armstrong

Case Removed to Federal Court: 4/7/2008

On July 29, 2008 at 1:00 p.m., in Courtroom 3 of the above-captioned court, the Honorable Sandra B. Armstrong, judge presiding, heard Defendant Pfizer, Inc.'s ("Pfizer") Motion to Transfer Venue. Pfizer appeared by and through its counsel Mitchell F. Boomer of Jackson Lewis LLP. Plaintiff Randall J. Sloan ("Plaintiff") appeared by and through his counsel Daniel Iannitelli of Fotouhi, Epps, Hillger, Gilroy LLP. After considering the moving and opposing papers, and the arguments of counsel, the Court rules as follows:

Under 28 U.S.C. § 1404(a), a district court has discretion to adjudicate motions for transfer according to an 'individualized, case-by-case consideration of convenience and fairness.' *Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498-499 (9th Cir. 2000) (citing *Stewart Org., Inc., v. Ricoh Corp.*, 487 U.S. 22, 29, 108 S. Ct. 2239 (1988)). Section 1404(a) further provides that "for the convenience of the parties and witnesses, in the interests of justice, a district court may

1 transfer any civil action to any other district or division where the action might have been
2 brought.” 28 U.S.C. § 1404(a).

3 In determining whether transfer is appropriate, several public and private factors should be
4 considered: (1) convenience of the parties; (2) conveniences of the witnesses; (3) ease of access to
5 evidence; (4) familiarity of each forum with the applicable law; (5) local interest in the
6 controversy; (6) and the relative court congestion and time of trial in each forum. See *Biswas v.*
7 *HR Value Group, LLC*, 2002 U.S. Dist. LEXIS 19164 (N.D. Cal. Oct. 3, 2002) citing *Decker*
8 *Coal Co. v. Commonwealth Edison*, 805 F.2d 834, 843 (9th Cir. 1983).

9 Here, transferring this matter to the Southern District of New York is appropriate because
10 the court has personal jurisdiction over Defendant Pfizer as the company’s principal place of
11 business is in New York, New York; virtually all of the operative acts occurred in New York; the
12 majority of witnesses are located in the New York metropolitan area, including current and
13 former Pfizer employees and the majority of Plaintiff’s health care providers who are likely to
14 provide key testimony regarding Plaintiff’s employment, job responsibilities, personnel
15 complaints, accommodation requests, and medical condition; and nearly all relevant evidence,
16 such as Plaintiff’s employment records and a significant portion of his medical information, is
17 maintained and located in New York.

18 Plaintiff has not provided any competent evidence to refute the fact that the locus of
19 operative facts occurred in New York, and that the majority of witnesses and evidence are located
20 in New York. Plaintiff’s contention that transferring this matter will create an undue hardship
21 due to his medical and financial conditions is not supported by admissible evidence. Even
22 assuming Plaintiff provided sufficient evidence of his conditions, these considerations alone do
23 not outweigh the significance of the aforementioned factors in considering the instant motion.

24 For the foregoing reasons, IT IS HEREBY ORDERED that, pursuant to 28 U.S.C.
25 §1404(a), this matter shall be transferred to the United States District Court for the Southern
26 District of New York located in New York, New York.

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IT IS FURTHER ORDERED _____

Dated: _____, 2008

Saundra B. Armstrong
United States District Judge